

of a rule entitled "Approval and Promulgation of Implementation Plans; State of Kansas (FRL # 6350-4)", received May 24, 1999; to the Committee on Environment and Public Works.

EC-3288. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Wisconsin (FRL # 6336-8)", received May 24, 1999; to the Committee on Environment and Public Works.

EC-3289. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Kentucky; Revised Format for Materials Being Incorporated by Reference (FRL # 6343-3)", received May 24, 1999; to the Committee on Environment and Public Works.

EC-3290. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Finding of Failure to Submit Required State Implementation Plans for Ozone; Texas; Dallas/Fort Worth Ozone Nonattainment Area (FRL # 6349-3)", received May 24, 1999; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-134. A concurrent resolution adopted by the Legislature of the State of Arizona relative to Medicare reimbursement rates; to the Committee on Finance.

SENATE CONCURRENT MEMORIAL 1001

Whereas, access to affordable health care services has been greatly reduced for Medicare health maintenance organization recipients in thirty states due to cutbacks in Medicare reimbursement by the federal government; and

Whereas, because of recent changes by the federal government, the Medicare reimbursement rates in rural areas are lower than those in urban areas. This results in HMOs reimbursing physicians at the lower rates, which in turn causes the physician networks to disintegrate and many HMOs to stop offering service in those areas; and

Whereas, although health insurance will remain available to seniors in rural areas through traditional Medicare coverage, the cutbacks will significantly restrict their options for health care coverage, the number of services covered and the affordability of those services in general; and

Whereas, two major HMOs have withdrawn service altogether in six rural Arizona counties, leaving nearly ten thousand elderly individuals with only one or two HMOs from which to choose; and

Whereas, individuals who previously were covered under HMOs received greater benefits not covered by Medicare, including additional services and lower copayments that offered seniors thorough and comprehensive services at more affordable rates. Now that many will be left with the more expensive Medicare system as their primary health in-

surance option, low-income and disabled seniors may be forced to pay more out-of-pocket costs for their health care services or may forego receiving these services because they are unable to afford the higher payments; and

Whereas, the financial and health problems that many rural seniors around the country are likely to face as a result of the Medicare reimbursement cuts are directly attributable to the Medicare reimbursement rates differential between rural and urban areas.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the Congress of the United States take steps to address the problem of the Medicare reimbursement rates differential between urban and rural areas and attempt to establish a reimbursement system that will result in more equitable health care coverage for seniors in rural areas of the country.

2. That the Secretary of State of the State of Arizona transmit a copy of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and to each Member of Congress from the State of Arizona.

POM-135. A concurrent resolution adopted by the Legislature of the State of Arizona relative to the 2000 census; to the Committee on Governmental Affairs.

HOUSE CONCURRENT MEMORIAL 2003

Whereas, the Constitution of the United States requires an enumeration of the population every ten years and entrusts the Congress with overseeing all aspects of each decennial census; and

Whereas, the sole constitutional purpose of the decennial census is to apportion the seats in Congress among the several states; and

Whereas, an accurate and legal decennial census is necessary to properly apportion the United States House seats among the fifty states and to create legislative districts within the states; and

Whereas, an accurate and legal decennial census is necessary to enable states to comply with the constitutional mandate of drawing state legislative districts within the states; and

Whereas, to ensure an accurate count and to minimize the potential for political manipulation, article I, section 2 of the United States Constitution mandates an "actual enumeration" of the population, which requires a physical head count of the population and prohibits statistical guessing or estimates of the population; and

Whereas, consistent with this constitutional mandate, title 13, section 195 of the United States Code expressly prohibits the use of statistical sampling to enumerate the United States population for the purpose of reapportioning the United States House; and

Whereas, legislative redistricting that is conducted by the states is a critical subfunction of the constitutional requirement to apportion representatives among the states; and

Whereas, in *Department of Commerce, et al. v. United States Representatives, et al.*, No. 98-404, and in *Clinton, President of the United States, et al. v. Glavin, et al.*, No. 98-564, the United States Supreme Court ruled on January 25, 1999 that the Census Act prohibits the Census Bureau's proposed uses of statistical sampling in calculating the population for purposes of apportionment; and

Whereas, in reaching its findings, the United States Supreme Court found that the

use of statistical procedures to adjust census numbers would create a dilution of voting rights for citizens in legislative redistricting, thus violating the legal guarantees of "one person, one vote"; and

Whereas, consistent with this ruling and the constitutional and legal relationship between legislative redistricting by the states and the apportionment of the United States House, the use of adjusted census data would raise serious questions of vote dilution and would violate "one person, one vote"; legal protections, and would expose the State of Arizona to protracted litigation over legislative redistricting plans at great cost to the taxpayers of this state and would likely result in a court ruling that invalidates any legislative redistricting plan that uses census numbers that have been determined in whole or in part by the use of random sampling techniques or other statistical methodologies that add or subtract persons to or from the census counts based solely on statistical inference; and

Whereas, consistent with these principles, no person enumerated in the census should ever be deleted from the census enumeration; and

Whereas, consistent with this ruling, every reasonable and practicable effort should be made to obtain the fullest and most accurate possible count of the population, including appropriate funding for state and local census outreach and education programs as well as provisions for post-census local review; and

Whereas, the members of the Forty-fourth Legislative oppose census numbers for state legislative redistricting that have been determined in whole or in part by the use of random sampling techniques of other statistical methodologies that and or subtract persons to the census counts based solely on statistical inference.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the United States Bureau of the Census conduct the 2000 census consistent with the United States Supreme Court's ruling and establish constitutional and legal mandates, which require a physical head count of the population and bar the use of statistical sampling to create or in any way adjust the count.

2. That Public Law 94-171 data not be used for state legislative redistricting if it is based on census numbers that have been determined in whole or in part by the use of statistical inferences derived by means of random sampling techniques or other statistical methodologies that add or subtract persons to or from the census counts.

3. That it receive Public Law 94-171 data for legislative redistricting that is identical to the census tabulation data used to apportion the seats in the United States House consistent with the United States Supreme Court ruling and constitutional mandates that require a physical head count of the population and bar the use of statistical sampling to create or in any way adjust the count.

4. That the Congress of the United States, as the branch of government assigned with the responsibility of overseeing the decennial census, take any steps necessary to ensure that the 2000 census is conducted fairly and legally.

5. That the Secretary of the State of Arizona transmit a copy of this Memorial to the Speaker of the United States House of Representatives, the President of the United States Senate, the Director of the United

States Bureau of the Census and each Member of Congress from the State of Arizona.

POM-136. A joint resolution adopted by the Legislature of the State of Arizona relative to the Endangered Species Act of 1973; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION 2001

Whereas, the endangered species act of 1973 (P.L. 93-205; 87 Stat. 884; 16 United States Code sections 1531 et seq.), as amended, was enacted for the purpose of the conservation and recovery of endangered and threatened species by protecting and conserving habitat and related ecosystems; and

Whereas, in pursuing that policy, the endangered species act provides for no consideration or accommodation of human activities, requirements or interests; and

Whereas, the United States fish and wildlife service of the department of the interior has shown little regard or willingness to make administrative adjustments to accommodate human activities, requirements or interests in administering and enforcing the endangered species act; and

Whereas, much of the enforcement pursuant to the endangered species act is based on dubious scientific research and outcome-oriented analysis; and

Whereas, the Arizona game and fish department is charged with managing the fish and wildlife resources of this state in the best interests of the present and future generations of Arizonans; and

Whereas, the Arizona game and fish department has recommended against the listing of several species of animals as threatened or endangered based on sound biological information, only to have their recommendation ignored by the United States fish and wildlife service and the secretary of the interior; and

Whereas, the endangered species act allows the courts no discretion in imposing the requirements of the act over all human activity that may remotely affect the species; and

Whereas, the result of the implementation and enforcement of the endangered species act is to threaten and endanger the economy and way of life throughout the west; and

Whereas, the industries that depend on harvesting, extracting or otherwise using natural resources are particularly endangered; and

Whereas, harvesting trees for timber and pulp wood is threatened throughout the western states and has been all but eliminated in Arizona, except on Indian reservations, thereby eliminating much needed rural employment and causing a dangerous buildup of wildfire fuel; and

Whereas, livestock ranching is endangered by massive reductions in federal grazing allotments leaving ranches and ranch families near bankruptcy with no option but that of selling their private land for development thereby losing the traditional responsible stewardship for the land and other resources; and

Whereas, the mining industry is endangered to the brink of extinction and the loss of quality employment for thousands of mine workers and the collapse of an important component of the economy of the state of Arizona and other western states; and

Whereas, certain single issue special interest groups are able to abuse the endangered species act to achieve their narrow personal agenda by litigating against productive economic activities, as well as hunting, fishing and other recreational activities, all to the detriment of our heritage, our culture and our society; therefore be it

Resolved by the Legislature of the State of Arizona:

1. That the policy of the State of Arizona, its governor and the legislature is to preserve and protect our way of life, our heritage and our culture, including the economic base of the rural areas of this state.

2. That the endangered species act must be modified to: (a) Recognize, protect and conserve human interests at the same time and on the same priority level as environmental interests. (b) Provide for a more flexible and accommodating administration and enforcement system, based on sound scientific analysis and research, so that the United States fish and wildlife service and other federal agencies work with, rather than impose on, the people of this state. (c) Allow the courts flexibility to issue rulings that protect human interests as well as environmental interests.

3. That the Secretary of State transmit copies of this Resolution to the President of the United States, the Secretary of the United States Department of the Interior, the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Arizona Congressional delegation.

POM-137. A concurrent resolution adopted by the Legislature of the State of West Virginia relative to the Appalachian Development Highway System; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 14

Whereas, The construction of the Coalfields Expressway in Southern West Virginia is due to begin in 1999; and

Whereas, The Coalfields Expressway needs approximately 1.5 billion dollars for completion; and

Whereas, Motorists in West Virginia pay into the Highway Trust Fund at the rate of 18.4 cents tax for each gallon of gasoline purchased and 24.4 cents tax on each gallon of diesel fuel purchased; and

Whereas, The Appalachian Development Highway system was conceived by the United States Congress with the intention of aiding the economy of the entire Appalachian Region and is now funded directly through the Highway Trust Fund; and

Whereas, A recent study on the Appalachian Development Highway System has concluded that upon completion, this system would provide 42,000 new jobs, 84,000 new residents, 2.9 billion dollars in new wages and 6.9 billion dollars in value-added business in the region served by the system; and

Whereas, The Coalfields Expressway, when completed, would traverse the counties of Raleigh, Wyoming and McDowell, and would greatly benefit these counties in the form of increased employment opportunities and economic growth; and

Whereas, Two of these three counties, Wyoming and McDowell, consistently place near the top of state and national unemployment lists; and

Whereas, The Coalfields Expressway is not a part of the Appalachian Development Highway System, instead receiving funding through special appropriations from the United States Congress at irregular intervals; and

Whereas, The funding received by the Coalfields Expressway has thus far consisted of a single appropriation of 50 million dollars in 1991 and a single appropriation of 22.7 million dollars in 1998; and

Whereas, Incorporation of the Coalfields Expressway into the Appalachian Development Highway System would allow for addi-

tional funding to complete the Coalfields Expressway from the Highway Trust Fund; therefore, be it

Resolved by the Legislature of West Virginia:

That the members of the West Virginia delegation to the United States Congress are hereby requested to make all possible efforts to support and assist the incorporation of the Coalfields Expressway into the Appalachian Development Highway System; and, be it

Further Resolved, That the Clerk of the House of Delegates is hereby directed to forward a copy of this resolution to all members of the West Virginia delegation to the United States Congress, to the Clerk of the United States House of Representatives, to the Clerk of the United States Senate and to the Executive Director of the Coalfields Expressway.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations: Special Report entitled "Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2000" (Rept. No. 106-52).

By Mr. STEVENS, from the Committee on Appropriations, without amendment:

S. 1122: A original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes (Rept. No. 106-53).

By Mr. STEVENS, from the Committee on Appropriations, with amendments and an amendment to the title:

H.R. 1664: A bill making emergency supplemental appropriations for military operations, refugee relief, and humanitarian assistance relating to the conflict in Kosovo, and for military operations in Southwest Asia for the fiscal year ending September 30, 1999, and for other purposes.

EXECUTIVE REPORTS OF A COMMITTEE

The following executive reports of a committee were submitted:

By Mr. WARNER, for the Committee on Armed Services:

Ikram U. Khan, of Nevada, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring May 1, 1999.

Ikram U. Khan, of Nevada, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring May 1, 2005. (Reappointment)

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Paul V. Hester, 2071

The following named officer for appointment in the United States Air Force to the